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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,977	02/21/2002	Atsushi Kanagawa	FUJO 19.465	9995
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KATTEN MUCHIN ROSENMAN LLP			IQBAL, KHAWAR	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	

2617

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/080,977

Applicant(s)

KANAGAWA, ATSUSHI

Examiner

Khawar Iqbal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12-19-05, 1-27-6</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer (5901145) and further in view of Ritter (6289221).

3. Regarding claim 1 Sawyer teaches a mobile communications system in which first and second frequencies are allocated to each wireless communications area, comprising (figs. 1,2):

a first base station device (38) provided in a first wireless communications area (36); a second base station device provided in a second wireless communications area (16) (col. 4, lines 22-67);

a third base station device (54) provided in a third wireless communications area (16) adjacent to the first (38) and second wireless communications areas (16) (col. 4, lines 22-67);

a first base station controller (46, CDMA) controlling communications conducted by said first base station device and third base station device (fig. 1); and

a second base station controller (FDMA MSC 26) controlling communication conducted by said second base station device and third base station device (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45, fig. 1); wherein

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each of said first, second and third base station device can use both of first and second frequencies to communicate with mobile'

said first base station controller (46, CDMA) controls communications conducted by said first base station device using the first frequency and controls communications conducted by said third base station device using the first frequency but not controlling communications conducted by said third base station device using the second frequency

said second base station controller (26) controls communications conducted by said second base station device using the second frequency and controls communications conducted by said third base station device using the second frequency but not controlling communications conducted by said third base station device using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45), and

said first base station controller allocates the same frequency to a radio channel between a mobile station and a corresponding base station device before and after the mobile station travels from the first wireless communication area to the third wireless communication area in a case where the mobile station has used first frequency to the radio channel after the mobile station travels from the third wireless communication area to the first wireless communication area (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45). Sawyer teaches the base station 18 for the target cell 16 detects the mobile station access on the assigned traffic channel, the mobile switching centers 26 and 46 are informed. The call communication is then switched by mobile switching

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center 46 to mobile switching center 26 for further handling to complete the hand-off procedure (action 118). Sawyer does not specifically teach first controller controls said base station device using the first and second frequencies.

In an analogous art, Ritter teaches controller controls said base station device using the first and second frequencies (GSM and CDMA, col. 5, lines 40-57, fig. 1,  $f_1, f_2$ ). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Sawyer by specifically adding feature controller controlling said base station device using the first and second frequencies in order to enhance system performance. By providing the dual mode mobile radio telephone system, an operator of the system can offer customers, a choice of mobile unit operating in accordance with either the GSM communication unit or the TD/CDMA communication unit, and does not require mobiles to operate in dual mode, that is, to operate in accordance with the GSM system and the TD/CDMA system, and hence cost is saved for both the customer and operator as taught by Ritter.

Regarding claims 2,9 Sawyer teaches wherein when a mobile station using the first frequency in the first wireless communications area moves from the first wireless communications area to the third wireless communications area, said third base station device communicates with the mobile station using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claims 3,10 Sawyer teaches wherein when a mobile station using the second frequency in the first wireless communications area moves from the first wireless communications area to the third wireless communications area, said third

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base station device communicates with the mobile station using the second frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claim 4 Sawyer teaches wherein when a mobile station using the first frequency in the third wireless communications area moves from the third wireless communications area to the first wireless communications area, said first base station device communicates with the mobile station using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claims 5,13 Sawyer teaches wherein when a mobile station using the second frequency in the third wireless communications area moves from the third wireless communications area to the first wireless communications area, said first base station device communicates with the mobile station using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claims 6,7 Sawyer teaches Lake does not specifically teach wherein said third base station device is connected to said first controller via a first transmission line and is connected to said second controller via a second transmission line (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claims 8 and 11 Sawyer teaches a mobile communications system, comprising (figs. 1,2):

a first base station device provided in a first wireless communications area to which at least a first frequency is allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45);

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a second base station device provided in a second wireless communications area to which at least a second frequency is allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45);

a third base station device provided in a third wireless communications area, which is adjacent to the first and second wireless communications areas and to which the first and second frequencies are allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45);

a first controller accommodating said first base station device and controlling communications conducted by said third base station device using the first frequency but not controlling communication conducted by said base station device using the second frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); and a second controller accommodating said second base station device and controlling communications conducted by said base station device using the second frequency but not controlling communications conducted by said third base station device using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45). said first base station controller allocates the same frequency to a radio channel between a mobile station and a corresponding base station device before and after the mobile station travels from the first wireless communication area to the third wireless communication area in a case where the mobile station has used first frequency to the radio channel after the mobile station travels from the third wireless communication area to the first wireless communication area (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45). Sawyer teaches the base station 18 for the target cell 16 detects the mobile station

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access on the assigned traffic channel, the mobile switching centers 26 and 46 are informed. The call communication is then switched by mobile switching center 46 to mobile switching center 26 for further handling to complete the hand-off procedure (action 118). Sawyer does not specifically teach first controller controls said base station device using the first and second frequencies.

In an analogous art, Ritter teaches controller controls said base station device using the first and second frequencies (GSM and CDMA, col. 5, lines 40-57, fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Sawyer by specifically adding feature controller controlling said base station device using the first and second frequencies in order to enhance system performance. By providing the dual mode mobile radio telephone system, an operator of the system can offer customers, a choice of mobile unit operating in accordance with either the GSM communication unit or the TD/CDMA communication unit, and does not require mobiles to operate in dual mode, that is, to operate in accordance with the GSM system and the TD/CDMA system, and hence cost is saved for both the customer and operator as taught by Ritter.

As to claims 12,19 it is considered the claim is rejected for same reason as set forth in claim 1.

#### Response to Arguments

4. Applicant's arguments filed 2-14-06 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations.



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Applicant's argument was that "controller controls said base station device using the first and second frequencies". In response, examiner would like to point out that Sawyer teaches the base station 18 for the target cell 16 detects the mobile station access on the assigned traffic channel, the mobile switching centers 26 and 46 are informed. The call communication is then switched by mobile switching center 46 to mobile switching center 26 for further handling to complete the hand-off procedure (action 118). Ritter teaches (f1, f2, col. 5, lines 35-60, col. 6, line50-col. 7, line 20, figs. 1-3).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Khawar Iqbal*

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER